

January 15, 2010

WRITER'S DIRECT LINE
312.832.4588
cgering@foley.com EMAIL

CLIENT/MATTER NUMBER
045007-0273

VIA ELECTRONIC FILING

The Honorable William C. Griesbach
United States District Court
Eastern District of Wisconsin
Green Bay Division
125 South Jefferson Street
Green Bay, Wisconsin 54305-2490

Re: *Appleton Papers Inc., et al., v. George A. Whiting Paper Company, et al.*, Consolidated Case No. 08-CV-16-WCG

Dear Judge Griesbach:

Defendant Kimberly-Clark Corporation ("Kimberly-Clark") submits this letter in connection with the Court's December 16, 2009 Decision and Order Dismissing Plaintiffs' Claims for Contribution (the "Order").

Kimberly-Clark has reviewed the Court's Order and understands that the Court intends to dismiss all of Plaintiffs' claims in these consolidated cases against all defendants, including Kimberly-Clark. Kimberly-Clark believes this is appropriate in light of the Court's reasoning as set forth in the Order, and based on the fact that such reasoning would lead to the same result with respect to Kimberly-Clark given that Kimberly-Clark, like many of the other defendants in these cases, (1) is a paper company that simply processed paper, (2) had no greater knowledge than the other defendants concerning the risks associated with PCBs during the period prior to 1971, and (3) had no greater reason or ability than the other defendants to suspect or investigate the possibility of PCB-contaminated waste causing harm to the environment. Plaintiffs expressly indicated that they agree the Order indicates that their claims will be dismissed in their letter to the Court dated January 14, 2010 (Dkt. 802 ("the Court's decision resolves all of Plaintiffs' claims against Defendants")) and in their motion for partial final judgment (Dkt. 803 at p. 3, para. 7 ("The Court expressly ruled that 'Plaintiffs are not entitled to recover from the Defendants for their costs incurred in cleaning up [PCBs in the Lower Fox River],' apparently dismissing all of Plaintiffs' claims.")).

The parties appear to agree that the Court should enter judgment on plaintiffs' claims in favor of all defendants, including Kimberly-Clark, and dismiss those claims. Consequently, Kimberly-Clark hereby requests that the Court (1) clearly indicate that the Order applies to all defendants, including Kimberly-Clark, (2) enter judgment, based on the reasoning set forth in the Order, in Kimberly-Clark's favor and against plaintiffs on all claims asserted against Kimberly-Clark in these consolidated matters, and (3) dismiss all of plaintiffs' claims against Kimberly-Clark with prejudice.

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To the extent that the Court believes additional filings are necessary to effectuate this result, Kimberly-Clark stands ready to make whatever further submissions the Court deems necessary and appropriate.

Very truly yours,

/s/ Charles M. Gering

cc: All counsel of record (via ECF system)